

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Theresa M. Gosko
Assignee: Dell Products, L.P.
Title: Data Structure for Use in an Automated Order Entry System
Serial No.: 09/592,741 Filing Date: June 13, 2000
Examiner: Oger Garcia Ade Group Art Unit: 3627
Docket No.: DC-02493 Customer No.: 33438

Austin, Texas
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Mail Stop Appeal Brief - Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

Dear Sir:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal filed in this case on November 29, 2007. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on December 12, 2007 setting the time period for filing an Appeal Brief to January 29, 2008. The fee for this Appeal Brief is being paid electronically via the USPTO EFS. The Board is also authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account. No. 502264.

I. REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Dell Products L.P. as named in the caption above and as evidenced by the assignment set forth at Reel 010910, Frame 0209.

II. RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III. STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 1-2, 4-9 and 30-39 are pending in the application. Claims 3 and 10-29 have been cancelled. Claims 1-2, 4-9 and 30-39 stand rejected. The rejection of claims 1-2, 4-9 and 30-39 is appealed. Appendix "A" contains the full set of pending claims.

IV. STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

No amendments after final have been requested or entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

More specifically, the present invention, as set forth by independent claim 1, relates to a computer program in combination with a computer readable media (see e.g., Page 4, Lines 27-30). The computer program provides a catalog from a manufacturer to a customer and is encoded to enable a customer to perform an automated order entry process (see e.g., Page 5, Lines 25-31). The computer program includes a catalog header record portion stored on the computer readable media which stores catalog header record data (see e.g., Page 10, Lines 4-13), a system identification portion (see e.g., Page 10, Line 16) stored on a the computer readable media which stores system identification data and includes a system type element indicating whether a system is one of a bundled system and a custom system which allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process (see e.g., Page 21, Lines 4-5), and a system option record portion stored on a the computer readable media which stores system option record data (see e.g., Page 11, Lines 10-21).

The present invention, as set forth by independent claim 30, relates to a computer program in combination with a computer readable media (see e.g., Page 4, Lines 27-30). The computer program provides a catalog from a manufacturer to a customer and is encoded to enable a customer to perform an automated order entry process (see e.g., Page 5, Lines 25-31). The computer program includes a catalog header record portion stored on the computer readable media which stores catalog header record data, where the catalog header data applies to an entire catalog (see e.g., Page 10, Lines 4-13), a system identification portion stored on a the computer readable media (see e.g., Page 10, Line 16) which stores system identification data where the

system identification portion applies once for each system type (see e.g., Page 10, Line 16) and includes a system type indicator which indicates whether a system is one of a bundled system and a custom system and allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process (see e.g., Page 21, Lines 4-5), and a system option record portion stored on a the computer readable media which stores system option record data and includes a plurality of system option record entries where each of the plurality of system option record entries applies to a respective system option (see e.g., Page 11, Lines 10-21).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Claims 1, 2, 4 – 9 and 30 – 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson, U.S. Patent No. 6,023,683 (Johnson) and further in view of Lin et al., U.S. Patent No. 6,052,785 (Lin). The above stated rejections are respectfully requested to be reviewed on appeal.

VII. ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

Claims 1, 2, 4 – 9 and 30 – 39 are allowable under 35 U.S.C. § 103(a) over Johnson, U.S. Patent No. 6,023,683 (Johnson) and Lin et al., U.S. Patent No. 6,052,785 (Lin).

The present invention generally relates to automated order entry systems and more particularly to data structures for use in automated order entry systems where the data structures include a system identification portion indicating whether a system is one of a bundled system and a custom system.

Johnson relates to interfacing product information (e.g., vendor catalogs) with requisition and purchasing systems. More specifically, Johnson discloses a requisition and inventory management system (RIMS) that includes several RIMS databases 42 as well as a RIMS program 44. The RIMS program 44 includes an order header program 44D. (See e.g., Johnson, Col. 6, line 54 – Col. 7, line 35.)

When setting forth that Johnson discloses system identification data including a system type element, the system type element indicating whether a system is one of a bundled system

and a customer system, the Examiner cites to the search input screen shown in Appendix VII as well as the following portion of Johnson:

TV/2 search program 50 will search catalog database 36 for all items that match the search field sent over from REQUI program 44A and Requisition Management data screen 110. When a search is performed in Shell 52 and search program 50, a Hit List 47 is produced, as indicated in FIG. 1C. The user would see on monitor 22 of local computer 20 a Hit List 47 screen representing limited data about all matching catalog items that were located in catalog database 36 as a result of the search. A sample Hit List 47 produced from a search initiated when the entry "OVENS" is received as the description or keyword by search program 50 from Requisition Item Table 46 is shown in Appendix III. Similar Hit Lists 47 are produced when various searches are performed from the Search Input screen shown in Appendix VII. When a Hit List 47 is depicted on monitor 22, the underlying catalog text and pictures (in either partial or complete form) are typically collected in a memory location for rapid viewing, printing or other use.

When multiple catalogs are present in catalog database 36, search program 50 contains a function associated with the catalog symbol of the footer bar and screen window (not shown) for selecting catalogs to be searched (Johnson, Col. 9, lines 34 – 55).

However, the portions of Johnson to which the Examiner refers, nor anywhere else in Johnson, do not disclose or suggest providing a catalog from a manufacturer to a customer to enable a customer to perform an automated order entry process, much less such a computer program which comprises a system identification portion storing system identification data, the system identification data including a system type element, the system type element indicating whether a system is one of a bundled system and a custom system, the system type element allowing the customer to determine whether the system is a bundled system or a custom system during an automated order entry process, as required by claim 1 and as substantially required by claim 30. These deficiencies of Johnson are not cured by Lin.

Lin relates to middle tier server management of multiple client access authorization of multiple remote data repositories. The system of Lin may be implemented in a computer readable medium in combination with a computer program.

Accordingly, Johnson and Lin, taken alone or in combination, do not teach or suggest a computer program in combination with a computer readable media where the computer program encoded to enable a customer to perform an automated order entry process, much less such a computer program which includes a system identification portion which stores system

identification data and includes *a system type element indicating whether a system is one of a bundled system and a custom system which allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process*, all as required by claim 1. Accordingly, claim 1 is allowable over Johnson and Lin. Claims 2, and 4 - 9 depend from claim 1 and are allowable for at least this reason.

Claims 30 – 39 are allowable under 35 U.S.C. § 103(a) over Johnson, U.S. Patent No. 6,023,683 (Johnson) and Lin et al., U.S. Patent No. 6,052,785 (Lin).

Johnson and Lin are discussed above.

In addition to the distinctions over Johnson and Lin set forth above, there is no disclosure or suggestion in Johnson and Lin of catalog header data that applies to an entire catalog, system identification data that applies once for each system or a plurality of system option record entries where each of the system option record entries apply to a respective system option, all as required by claim 30.

More specifically, Johnson and Lin, taken alone or in combination, do not teach or suggest a computer program where the computer program is encoded to enable a customer to perform an automated order entry process, much less such a computer program which includes a catalog header record portion which stores catalog header record data, *where the catalog header data applies to an entire the catalog*, a system identification portion which stores system identification data that *applies once for each system type* and includes *a system type indicator which indicates whether a system is one of a bundled system and a custom system and allows the customer to determine whether the system is a bundled system or a custom system during the automated order entry process*, and a system option record portion being stored on a the computer readable media which stores system option record data and includes *a plurality of system option record entries where each of the plurality of system option record entries applies to a respective system option*, all as required by claim 30. Accordingly, claim 30 is allowable over Johnson and Lin. Claims 31 - 39 depend from claim 30 and are allowable for at least this reason.

VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix A.

IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.

XI. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that the rejection of pending Claims 1-2, 4-9 and 30-39 is unfounded, and requests that the rejection of claims 1-2, 4-9 and 30-39 be reversed.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on January 16, 2008.

/Stephen A. Terrile/

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Respectfully submitted,

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CLAIMS APPENDIX “A” - 37 CFR § 41.37(c)(1)(viii)

1. A computer program in combination with a computer readable media, the computer program for providing a catalog from a manufacturer to a customer, the computer program being encoded to enable a customer to perform an automated order entry process, the computer program comprising:

- a catalog header record portion storing catalog header record data, the catalog header portion being stored on the computer readable media;
- a system identification portion storing system identification data, the system identification portion being stored on the computer readable media, the system identification data including a system type element, the system type element indicating whether a system is one of a bundled system and a custom system, the system type element allowing the customer to determine whether the system is a bundled system or a custom system during the automated order entry process; and
- a system option record portion storing system option record data, the system option record portion being stored on the computer readable media.

2. The computer program in combination with the computer readable media of claim 1 wherein the catalog header data applies to an entire catalog.

4. The computer program in combination with the computer readable media of claim 3 wherein the system identification record data includes a system identification element, the system identification element providing a manufacture assigned unique identifier.

5. The computer program in combination with the computer readable media of claim 3 wherein the system identification record data includes a system identification effective date element, the system identification effective data element providing an effective date that a particular configuration is allowed to be purchased.

6. The computer program in combination with the computer readable media of claim 3 wherein the system identification record data includes a system identification action element, the system identification action element programmably informing a customer what function to perform on a system.

7. The computer program in combination with the computer readable media of claim 6 wherein the functions to be performed include an add function, a replace function and a discontinue function.

8. The computer program in combination with the computer readable media of claim 1 wherein the system option data includes a plurality of relationship indicator elements.

9. The computer program in combination with the computer readable media of claim 8 wherein the plurality of relationship indicator elements include a relationship identification element, the relationship identification element providing an indicator that communicates for a component, a relationship of the component to other components.

30. A computer program in combination with a computer readable media, the computer program for providing a catalog from a manufacturer to a customer, the computer program being encoded to enable a customer to perform an automated order entry process, the computer program comprising:

- a catalog header record portion storing catalog header record data, the catalog header portion being stored on the computer readable media, the catalog header data applying to the catalog;

- a system identification portion storing system identification data, the system identification portion being stored on the computer readable media, the system identification portion applying once for each system type, the system identification data including a system type indicator, the system type indicator indicating whether a system is one of a bundled system and a custom system, the system type indicator allowing the customer to determine whether the system is a bundled system or a custom system during the automated order entry process; and

a system option record portion storing system option record data, the system option record portion being stored on the computer readable media, the system option record portion including a plurality of system option record entries, each of the plurality of system option record entries applying to a respective system option.

31. The computer program in combination with the computer readable media of claim 31 wherein the system identification record data includes a system identification element, the system identification element providing a manufacture assigned unique identifier.

32. The computer program in combination with the computer readable media of claim 30 wherein the system identification record data includes a system identification effective date element, the system identification effective data element providing an effective date that a particular configuration is allowed to be purchased.

33. The computer program in combination with the computer readable media of claim 30 wherein the system identification record data includes a system identification action element, the system identification action element programmably informing a customer what function to perform on a system.

34. The computer program in combination with the computer readable media of claim 33 wherein the functions to be performed include an add function, a replace function and a discontinue function.

35. The computer program in combination with the computer readable media of claim 30 wherein the system option data includes a plurality of relationship indicator elements.

36. The computer program in combination with the computer readable media of claim 35 wherein the plurality of relationship indicator elements include a relationship identification element, the relationship identification element providing an indicator that communicates for a component, a relationship of the component to other components.

37. The computer program in combination with the computer readable media of claim 30 wherein

the catalog header record data includes a catalog type, a catalog version number, a catalog data, a catalog time.

38. The computer program in combination with the computer readable media of claim 30 wherein

the system identification data includes a system identifier, a system identifier effective date and a system identifier purchase price.

39. The computer program in combination with the computer readable media of claim 30 wherein

the system option record data includes a relationship identifier, an option indicator and an option action code.

EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.